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Human rights situations that require the Council's attention

Written statement* submitted by Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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A QUESTION OF CREDIBILITY

Torture and mistreatment are inflicted in many countries throughout the world on journalists, bloggers, whistleblowers and others who exercise their legitimate and internationally recognized right to freedom of expression and information. Some of these countries, Members of the Council, are acting in flagrant violation of United Nations General Assembly Resolution 60/251 which requires that they "*uphold the highest standards in the promotion and protection of human rights*".

In **Saudi Arabia**, Raef Badawi, co-founder of the *Liberal Saudi Network* blog, has been jailed since June 2012 for "*insulting Islam*" and was sentenced in May 2014 to 10 years in prison and 1,000 lashes. His blog simply aimed to encourage a public debate and promote humanistic ideas centred on religious tolerance and human rights. The first public flogging session was held on 9 January 2015. After the Supreme Court in Riyadh upheld this cruel, inhuman and degrading sentence on 7 June 2015, the flogging sessions could resume at any time.

Subjecting persons who exercise their right to freedom of expression to such an appalling punishment as 1,000 lashes in public is completely contrary to the Human Rights Council's resolutions on freedom of expression and on corporal punishment, and to Saudi Arabia's international obligations. Saudi Arabia is a party to the 1984 Convention against Torture, which imposes an absolute prohibition on inhuman treatment such as flogging.

The **United Arab Emirates** also tortures and mistreats journalists and those who exercise their right to freedom of expression and information. In Abu Dhabi, Waleed Al Shehhi, a citizen-journalist who has been named an "information hero" by RSF, was arrested in May 2013 and was sentenced the following November to two years in prison for tweeting about the torture and mistreatment of detainees in the country. He was himself mistreated and tortured during his detention.

Journalists are the victims of torture in **Cuba** as well. Angel Santiesteban-Prats, a writer and blogger who received a five-year jail sentence on 8 December 2012 after a hasty trial on trumped-up charges, was repeatedly subjected to acts of mistreatment and torture. The Inter-American Commission on Human Rights, after being informed of the details of the threats, mistreatment and psychological torture to which he had been subjected, formally asked the Cuban government on 26 September 2014 to guarantee his safety.

In **Burundi**, Esdras Ndikumana, the correspondent of *RFI* and *AFP*, was beaten and tortured after arrest in Bujumbura on 2 August 2015. He was photographing the site of a shooting attack when he was arrested and taken to the headquarters of the National Intelligence Service. There he was forced to the ground and every part of his body was beaten. After two hours of this torture, his assailants let him go, saying he was an "enemy journalist" and should consider himself "lucky to be still alive."

In **China**, former *Deutsche Welle* correspondent Gao Yu's health deteriorated rapidly after she was jailed on 8 May 2014. As she was subjected to almost daily interrogations designed to get her to confess her "crimes," and was deprived of proper medical treatment despite being seriously ill, the conditions of her detention constituted cruel, inhuman and degrading treatment. She's now under temporary house arrest and might go back to jail at any time. Torture is also used in Tibetan prisons. Jigme Gyatso, a Buddhist monk who was arrested for helping to make a documentary about Tibet, was tortured during the seven months he was held in 2008. During the interrogations to which he was subjected after being arrested, his interrogators beat him repeatedly, hanged him by his feet from the ceiling for hours, and kept him tied to the interrogation chair for days.

In **Vietnam**, many bloggers are subjected to preventive detention in camps where officials are allowed to use degrading methods to get them to admit their guilt. The most "stubborn" detainees are put in solitary confinement. Up to four detainees may be held in cells that are often less than four square metres in area. In some cases, there is no access to drinking water. A detainee in solitary is allowed into the yard only once a week for just 15 minutes, and not even that if the authorities are bent on breaking him. They often use fellow inmates to start fights and to beat a targeted detainee. The bloggers Dieu Cay and Ta Phong Tan, the writer Nguyen Xuan Nghia, the priest Nguyen Van Ly and many others have been subjected to this form of pressure.

As the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment said in his report to the Human Rights Council in 2010: "*The combined deprivation and non-fulfilment of (the) existential rights (to food, water, clothing, health care and a minimum of space, hygiene, privacy and security necessary for a humane and dignified existence) amounts to a systematic practice of inhuman or degrading treatment or punishment.*"

In the **United Kingdom**, Julian Assange, a whistleblower and founder of the WikiLeaks website, which publishes classified information, has been subjected to arbitrary detention in the Ecuadorian embassy for more than three years. The arbitrary nature of his detention by the British authorities was recognized by the UN Working Group on Arbitrary Detention in an opinion released on 5 February 2016. As he is being held in a confined space, without access to free air and medical care, without being able to see his family and to affirm his rights and without knowing how long his detention will continue, this constitutes inhuman and degrading treatment.

Many other countries subject journalists and bloggers to torture and mistreatment.

In **Syria**, the authorities systematically torture journalists who are arrested for disputing the government's propaganda. The cases of the cartoonist Ali Ferzat, the journalist Hanadi Zahlout, the journalist Mansour Omari and the cartoonist Akram Raslan (who died under torture while in detention) are just some of the most emblematic examples of the extreme violence used by the authorities.

In **Eritrea**, journalists are held in cruel and inhuman conditions. Seyyoum Tsehaye, a journalist held for the past 15 years in an unknown location without it being clear whether he is still alive, is just one of many cases. The UN General Assembly nonetheless said in Resolution 68/156 of 2014 that: "*prolonged incommunicado detention or detention in secret places (...) constitute a form of (torture and other cruel, inhuman or degrading treatment or punishment).*"

In **Iran**, a Tehran revolutionary court sentenced a young documentary filmmaker in October 2015 to six years in prison and 223 lashes on charges of "*insulting Islam*" and "*immoral relations*" because he greeted a woman with a kiss and because he made a documentary about graffiti after the 2009 protest movement.

The General assembly declared in its resolution 68/156 in 2014 that « *solitary confinement (...) may amount to torture or other cruel, inhuman or degrading treatment or punishment* ». In the **United States**, the soldier and whistle blower Bradley Manning, who leaked information about war crimes committed by the US military in Irak, was submitted for 11 months to strict solitary confinement and confined to his cell for twenty-three hours a day. The special rapporteur on torture concluded in 2011 that the lenght and conditions of his detention « *constitute at a minimum cruel, inhuman and degrading treatment in violation of article 16 of the convention against torture. If the effects in regards to pain and suffering inflicted on Manning were more severe, they could constitute torture.* »

Reporters Without Borders recommends

To the Member States of the UNHRC:

- If they have not already done so, ratify the International Covenant on Civil and Political Rights, of which article 19 guarantees the right to freedom of expression.
- Pardon journalists and bloggers sentenced to cruel, inhuman and degrading punishments for exercising their right to freedom of expression and information or commute their sentences.
- Respect their obligations as Council members, including their obligation to "*uphold the highest standards in the promotion and protection of human rights*", and put a stop to all forms of torture and mistreatment, including of journalists.
- Remind their peers of their obligations under international law and apply strong and sustained diplomatic pressure to end torture and other cruel, inhuman and degrading treatment.
- Establish and effectively implement universal jurisdiction-type mechanisms permitting the prosecution in their territory of those responsible for torture and cruel, inhuman and degrading treatment, even when committed in a foreign country, by a foreign citizen and on a foreign citizen.

To the HRC:

- To protect the credibility of the Human Rights Council, establish procedures enabling it to expel and/or suspend the voting rights of Member States guilty of flagrant and repeated human rights violations under international law.

To the UNGA:

- In accordance with Article 8 of Resolution 60/251, systematically implement the procedure for suspending the Council membership rights of any Council member that commits gross and systematic violations of human rights, especially acts of torture.